

## Message Text

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ORIGIN L-02

INFO OCT-01 EUR-12 IO-10 ISO-00 SSO-00 NSCE-00 USIE-00

INRE-00 CIAE-00 DODE-00 PM-03 H-01 INR-07 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 SS-15 ACDA-05 TRSE-00

SAJ-01 OMB-01 AEC-05 CU-02 HEW-02 OIC-02 EB-07 /085 R

DRAFTED BY L/EUR:DSMALL:DJM

APPROVED BY EUR:AAHARTMAN

EUR/RPM:EJSTREATOR

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EUR/RPM:RHFROWICK

S/S: JPMUFFET

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O R 040041Z MAR 75

FM SECSTATE WASHDC

TO AMEMBASSY BONN IMMEDIATE

AMEMBASSY LONDON PRIORITY

AMEMBASSY PARIS PRIORITY

USMISSION GENEVA PRIORITY

INFO AMEMBASSY BERLIN

AMEMBASSY BUCHAREST

USMISSION USBERLIN

USMISSION NATO

AMEMBASSY MOSCOW

USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 047639

E.O. 11652: GDS

TAGS: CSCE PFOR PGOV WB GE GW

SUBJECT:CSCE: QUADRIpartite RIGHTS AND RESPONSIBILITIES

REFS: (A) GENEVA 1324; (B) GENEVA 1020; (C) GENEVA 897;

- (D) BONN 17872, 11/14/74; (E) BERLIN 1369, 8/14/74;

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- (F) STATE 134728, 6/22/74

GENEVA FOR US CSCE DEL

1. BEGIN SUMMARY. DEPARTMENT AGREES WITH US DEL THAT IT WILL BE NECESSARY TO NEGOTIATE MODIFICATIONS OF QRR TEXT TO OBTAIN CSCE CONSENSUS, AND BELIEVES THAT CONCERTED EFFORT SHOULD BE MADE TO ADVANCE MATTERS PRIOR TO EASTER BREAK. END SUMMARY.

2. WE WISH TO SEEK PROGRESS ON BASIS OF TEXT ALONG FOLLOWING LINES: BEGIN TEXT "THE PARTICIPATING STATES NOTE THAT THE PRESENT (TITLE OF DOCUMENT) CANNOT AND WILL NOT AFFECT THEIR LEGAL RIGHTS AND RESPONSIBILITIES OR THE CORRESPONDING AGREEMENTS AND ARRANGEMENTS." END TEXT.

3. ABOVE TEXT GOES BACK, IN PART, TO FRENCH DRAFT RESULTING FROM SAUVAGNARGUES-GENSCHER TALKS OF NOVEMBER 9, SUBSEQUENT TO WHICH FRG (BLECH) WITHDREW AGREEMENT TO USE OF WORD "CORRESPONDING." (BONN 17872 OF NOVEMBER 11, 1974).

WE RECOGNIZE THAT PHRASE "WHICH REFLECT THEM," IN ALREADY TABLED QRR TEXT, IS SUBSTANTIVE EQUIVALENT OF "CORRESPONDING." IT IS NOT THE FUNCTIONAL EQUIVALENT, HOWEVER, SINCE IT DOES NOT PROVIDE THE "ECHO" OF THE QUADRIpartite DECLARATION WHICH, WE BELIEVE, HAS BECOME IMPORTANT TO GAINING ACCEPTANCE BY NEUTRALS AND CERTAIN ALLIES OF QRR TEXT. WHILE FRG PREFERENCE PROBABLY IS TO AVOID THE ECHO, WE WOULD RECALL ORIGINAL FRG ACCEPTANCE AND URGE FRG TO ACCEPT IT AGAIN AS SUFFICIENTLY IMPRECISE A REFERENCE TO THE QD TO AVOID TURNING THE CSCE DOCUMENTS INTO DOCUMENTS ON GERMANY. WE WOULD RECALL, ALBEIT IN VERY LOW KEY MANNER, RELATIONSHIP OF A QRR DISCLAIMER AS SUBSTITUTE FOR STILL OPEN ISSUE OF INCLUSION OF SPECIFIC MENTION OF REFERENCE TO UN CHARTER (AS A WHOLE) IN TEXT OF NONE-USE OF FORCE PRINCIPLE AND OTHER PARTS OF DECLARATION AND IN ROMANIAN TEXT.

4. DEPARTMENT ALSO APPRECIATES THE OBJECTION WHICH MAY BE RAISED TO INSERTING WORD "LEGAL" UP FRONT IN TEXT WHERE IT WILL APPEAR TO QUALIFY EVERYTHING WHICH FOLLOWS. (BERLIN CONFIDENTIAL

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1369, 8/14/74). HOWEVER, WE DO NOT VIEW THIS DRAFTING CHANGE AS MODIFYING THE MEANING OF THE TEXTS SINCE "LEGAL" WAS ALWAYS IMPLICIT IN THE PHRASE "RIGHTS AND RESPONSIBILITIES." QRR TEXT, LIKE QD, HAS BEEN INTENDED TO PROTECT ALLIED LEGAL POSITION, AND WE VIEW ALL MATTERS OF INTEREST TO US AS ENCOMPASSED BY THE TERM "LEGAL RIGHTS AND RESPONSIBILITIES." EVEN WITHOUT THE WORD "LEGAL," IT WOULD BE OPEN TO THE GDR TO SEEK TO ARGUE THAT

THE ALLIES HAVE MERELY INVALID CLAIMS TO RIGHTS AND RESPONSIBILITIES WHERE THOSE CLAIMS ARE IN VIOLATION OF INTERNATIONAL LAW, AND THAT THE TEXT DOES NOT EXEMPT THOSE CLAIMS FROM THE EFFECT OF THE DECLARATION. WE ARE SATISFIED, HOWEVER, THAT WITH OR WITHOUT THE WORD LEGAL, THE TEXT WOULD SERVE OUR PURPOSE OF INDICATING GENERAL AGREEMENT THAT THE DECLARATION WAS NOT INTENDED TO AFFECT THE LEGAL STATUS QUO ANTE REGARDING QRR'S. WHILE THE SOVIETS INTERPRET THE BREZHNEV DOCTRINE AND RELATED AGREEMENTS AS GIVING THEM "LEGAL RIGHTS AND RESPONSIBILITIES" UNDER THE "SOCIALIST" ASPECT OF INTERNATIONAL LAW, IT APPEARS THAT THE EXPRESS QUALIFICATION OF THE ENTIRE TEXT WITH THE WORD "LEGAL" WILL MAKE A SIGNIFICANT DIFFERENCE IN THE ACCEPTABILITY OF A QRR TEXT TO MANY DELEGATIONS. WE DO NOT VIEW THE QRR'S AS BEING AS VULNERABLE LEGALLY AS THE BREZHNEV DOCTRINE, AND THUS, CONSIDER THE TEXT TO BE MORE USEFUL TO US THAN THE SOVIETS.

5. PROPOSED NEW TEXT DROPS "OBLIGATIONS," AS REQUESTED USDEL, BUT, FOR NOW, RETAINS "RESPONSIBILITIES." WE UNDERSTAND THE NEUTRALS' POINT ON BOTH WORDS AND HAVE BEEN PREPARED AT EARLIER STAGE TO ACCEPT TEXT WITH NEITHER. (STATE 134728, 6/22/74). HOWEVER, TERM IS ALSO HELPFUL AS "ECHO" OF QD, AND MAY WELL BE NECESSARY TO RETAINING SOVIET INTEREST IN ENTIRE QRR TEXT EXERCISE. WHILE WE NOT NOW URGING ALLIES TO AGREE TO DROP "RESPONSIBILITIES" AS WELL AS "OBLIGATIONS," WE WOULD NOT OBJECT TO THIS POSSIBILITY BEING EXPLORED WITH ALLIES. DROPPING AT LEAST "OBLIGATIONS," WHICH REDUNDANT, MAY BE SUFFICIENT, SINCE THIS WORD LESS CLEARLY RELATED TO QUADRIpartite CONTEXT.

6. WE HAVE DROPPED PHRASE "OR WHICH CONCERN THEM" IN THE CONFIDENTIAL

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CONVICTION THAT THIS PHRASE WILL REMAIN TROUBLESOME TO THE NEUTRALS. HOWEVER, DELETION OF THIS PHRASE APPEARS TO REQUIRE DELETION OF PHRASE "PREVIOUSLY ENTERED INTO BY THOSE STATES," IN ORDER FOR TEXT NOT TO EXCLUDE QUADRIpartite AGREEMENTS, AS FAR AS GDR AND FRG ARE CONCERNED. ITS ELIMINATION MAKES TEXT LOOK LESS AS IF IT WERE INTENDED TO BE NARROWLY AND TECHNICALLY DRAWN ENUMERATION FROM WHICH "DECLARATIONS" SUCH AS QD MIGHT ARGUABLY BE OMITTED. WE MUST CONFESS, HOWEVER, TO CONTINUED MYSTIFICATION ABOUT UK ATTITUDE ON THIS QUESTION. WE CAN EASILY AGREE TO RETAIN "TREATY" IF THIS IS DESIRED BY ANY OF ALLIES.

8. WE BELIEVE CONCERTED EFFORT ON QRR TEXT WILL BE NECESSARY AND POSTPONEMENT OF THE ISSUE BEYOND THE EASTER

BREAK COULD LEAD TO ITS REMAINING UNRESOLVED UNTIL THE  
END, WHEN CONDITIONS MAY BE MUCH LESS FAVORABLE. FURTHER-  
MORE, DELAY WOULD ONLY COMPLICATE CLEAN-UP OF OTHER  
DRAFTING ISSUES. WE WOULD HOPE TO HAVE NEW TEXT AGREED  
FOR DISCUSSION IN GENEVA WITH NEUTRALS BY MARCH 17 AT  
LATEST AND SOME DISCUSSION WILL BE NEEDED WITH SOVIETS IN  
ADVANCE OF THAT. TIME IS THEREFORE OF THE ESSENCE. WE  
WOULD WANT TO HOLD UP OFFERING SOVIETS PLACEMENT IN FINAL  
CLAUSES, UNTIL ENTIRE NEW PACKAGE CAN BE DISCUSSED.

9. FOR BONN: YOU SHOULD INTRODUCE ABOVE TEXT INTO BONN  
GROUP AS MATTER TO WHICH WE ATTACH URGENT IMPORTANCE.  
PRESENTATION SHOULD BE REINFORCED BY BILATERAL DEMARCHE  
TO FRG FONOFF.

10. FOR LONDON AND PARIS: YOU SHOULD SUPPORT US EFFORTS

IN BONN GROUP IN DISCUSSION WITH FONOFFS, DRAWING AS  
APPROPRIATE ON FOREGOING.

11. IT WOULD BE USEFUL FOR US BONN GROUP AND US CSCE DELS  
TO BE REINFORCED APPROPRIATELY FOR THESE DISCUSSIONS. WE  
WOULD APPRECIATE USBERLIN MAKING GREENWALD AVAILABLE FOR  
BONN GROUP DISCUSSIONS AND WOULD CONTEMPLATE SENDING FROM  
DEPARTMENT APPROPRIATE EXPERT FOR LATER GENEVA PHASE OF  
THIS EXERCISE. KISSINGER  
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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** POLICIES, AGREEMENTS, BERLIN QUADRIpartite MATTERS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 04 MAR 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Authority:** ElyME  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
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